Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1.-170. Canceled.

171. (New) A code division multiple access (CDMA) user device comprising:

a CDMA transceiver; and

a controller operably connected to the CDMA transceiver to establish a packet data communication session with a network in accordance with a protocol architecture, the protocol architecture having a plurality of protocol layers including a physical layer,

wherein the controller is further operable with the CDMA transceiver to facilitate use by the CDMA transceiver of a data traffic channel and a control channel associated with the packet data communication session,

the control channel carrying information indicative of a data rate associated with the data traffic channel, wherein the control channel is not adapted to carry voice or data traffic, and

wherein a state of at least one of the plurality of protocol layers above the physical layer is maintained during the packet data communication session after the data traffic channel has been released.

172. (New) A CDMA user device according to claim 171, wherein the control channel is transmitted to a base station in the network.

173. (New) A CDMA user device according to claim 171, wherein the CDMA transceiver is operable to simultaneously transmit the data traffic channel and the control channel to a base station in the network.

174. (New) A CDMA user device according to claim 171, wherein the data traffic channel carries voice information to a base station in the network.

175. (New) A CDMA user device according to claim 171, further comprising a channel multiplexer for multiplexing data traffic and control channels.

176. (New) A CDMA user device according to claim 171, wherein the data traffic channel and control channel are encoded with corresponding spreading codes.

177. (New) A CDMA user device according to claim 171, wherein the data rate varies over time.

178. (New) A CDMA user device according to claim 171, wherein the data traffic channel and the control channel operate within a 1.25 MHz bandwidth.

179. (New) The CDMA user device of claim 171, wherein the CDMA user device is a portable device comprising an integrated unit having a modem, the CDMA transceiver and the controller.

180. (New) The CDMA user device of claim 179, wherein the portable device comprises terminal equipment.

181. (New) The CDMA user device of claim 171, wherein the plurality of protocol layers includes an application layer.

182. (New) The CDMA user device of claim 171, wherein the user device is operable to run an internet application.

183. (New) The CDMA user device of claim 171, wherein the user device is operable to download a web page.

184. (New) The CDMA user device of claim 171, wherein the CDMA transceiver is operable by the controller to transmit first CDMA signals on a transmission frequency, the transmission frequency being selected by the controller from a plurality of transmission frequencies, the CDMA transceiver also being operable by the controller to receive second CDMA signals on a reception frequency, the reception frequency being selected by the controller from a plurality of reception frequencies.

185. (New) The CDMA user device of claim 171, further comprising a memory configured to store class of service information, wherein the controller is operable to retrieve the class of service information stored in the memory.

186. (New) The CDMA user device of claim 171, further comprising a memory configured to store information related to a maximum data rate associated with the user device, wherein the controller is operable to retrieve the maximum data rate associated with the user device from the memory.

187. (New) The CDMA user device of claim 171, wherein the controller is operable to assemble and buffer packet data for transmission over the data traffic channel.

188. (New) The CDMA user device of claim 171, wherein the controller is operable to decide to request the data traffic channel based on a priority of service of the packet data.

189. (New) The CDMA user device of claim 171, wherein the controller is operable to decide to request the data traffic channel further based on an estimated data rate desired to transmit the packet data.

190. (New) A code division multiple access (CDMA) user device comprising:

a CDMA transceiver;

a controller operable with the CDMA transceiver to establish a packet data communication session with a network in accordance with a protocol architecture, the protocol architecture having a plurality of protocol layers including a physical layer,

the controller being operable with the CDMA transceiver to facilitate use of a data traffic channel and a control channel by the CDMA user device during the packet data communication session, wherein the data traffic channel and control channel are associated with corresponding CDMA codes and the control channel carries information indicative of a data rate associated with the data traffic channel, wherein the control channel is not adapted to carry voice or data traffic;

wherein a state of at least one of the protocol layers other than the

physical layer is maintained during the packet data communication session after the data traffic channel has been released, and

wherein the controller is operable to decide to request the data traffic channel based on an amount of packet data in a packet data queue.

191. (New) A CDMA user device according to claim 190, wherein the control channel is supplied to a base station in the network.

192. (New) A CDMA user device according to claim 190, wherein the data traffic channel carries voice information and is supplied to a base station in the network.

193. (New) A CDMA user device according to claim 190, wherein the CDMA transceiver is operable to simultaneously transmit the control and data traffic channels to a base station in the network.

194. (New) A CDMA user device according to claim 190, further comprising a channel multiplexer for multiplexing control and data traffic channels.

195. (New) A CDMA user device according to claim 190, wherein the control and data traffic channels are encoded with corresponding Walsh codes.

196. (New) A CDMA user device according to claim 190, wherein the data traffic channel and the control channel operate within a 1.25 MHz bandwidth.

197. (New) The CDMA user device of claim 190, wherein the user device is a

portable device comprising an integrated unit having a modem, the CDMA transceiver and the controller.

198. (New) The CDMA user device of claim 190, wherein the plurality of protocol layers includes an application layer.

199. (New) The CDMA user device of claim 190, wherein the user device is operable to run an internet application.

200. (New) The CDMA user device of claim 190, wherein the user device is operable to download a web page.

201. (New) The CDMA user device of claim 190, wherein the CDMA transceiver is operable by the controller to transmit first CDMA signals on a transmission frequency, the transmission frequency being selected by the controller from a plurality of transmission frequencies, the CDMA transceiver also being operable by the controller to receive second CDMA signals on a reception frequency, the reception frequency being selected by the controller from a plurality of reception frequencies.

202. (New) The CDMA user device of claim 190, wherein the CDMA user device further includes a memory, the memory being configured to store class of service information, the controller being configured to retrieve the class of service information stored in the memory.

203. (New) The CDMA user device of claim 190, wherein the CDMA user

device further includes a memory, the memory being configured to store maximum data rate information associated with the user device, the controller being operable to retrieve the stored maximum data rate information associated with the user device from the memory.

204. (New) The CDMA user device of claim 190, wherein the controller is operable to assemble and buffer the packet data for transmission over the data traffic channel.

205. (New) The CDMA user device of claim 190, wherein the controller is operable to decide to request the data traffic channel further based on a priority of service of the packet data.

206. (New) The CDMA user device of claim 190, wherein the controller is operable to decide to request the data traffic channel further based on an estimated data rate desired to transmit the packet data.

207. (New) The CDMA user device of claim 190, wherein the controller is operable to decide to request the data traffic channel independent of an existing forward channel allocation.

208. (New) A code division multiple access (CDMA) user device comprising:

a controller;

a CDMA transceiver operably connected to the controller, the CDMA transceiver being operable to transmit packet data over a data traffic channel associated with a packet data communication session, the CDMA transceiver also

being operable to transmit a control channel carrying information indicative of a data rate associated with the data traffic channel, such that the control channel is not adapted to carry voice or data traffic, wherein each of the data traffic and control channels is associated with a corresponding CDMA code wherein a plurality of protocol layers, including a physical layer, is associated with the packet data communication session, and a status of at least one of the plurality of protocol layers other than the physical layer is maintained upon release of the data traffic channel, and

wherein the controller is operable to decide to request the data traffic channel based on an amount of packet data in a packet data queue.

209. (New) A CDMA user device according to claim 208, further comprising a data buffer coupled to the controller.

210. (New) A CDMA user device according to claim 209, further comprising a monitor to detect a rate at which the data buffer is filled.

211. (New) The CDMA user device of claim 208, wherein the controller is operable to decide to request the data traffic channel independent of an existing forward channel allocation.

212. (New) The CDMA user device of claim 211, wherein the portable device comprises terminal equipment.

213. (New) The CDMA user device of claim 208, wherein the user device is a portable device comprising an integrated unit having a modem, the CDMA

transceiver and the controller.

214. (New) The CDMA user device of claim 213, wherein the portable device comprises terminal equipment.

215. (New) The CDMA user device of claim 208, wherein one of the plurality of protocol layers comprises an application layer.

216. (New) The CDMA user device of claim 208, wherein the user device is operable to run an internet application.

217. (New) The CDMA user device of claim 208, wherein the user device is operable to download a web page.

218. (New) The CDMA user device of claim 208, wherein the CDMA transceiver is operable by the controller to transmit first CDMA signals on a transmission frequency, the transmission frequency being selected by the controller from a plurality of transmission frequencies, the CDMA transceiver also being operable by the controller to receive second CDMA signals on a reception frequency, the reception frequency being selected by the controller from a plurality of reception frequencies.

219. (New) The CDMA user device of claim 208, wherein the CDMA user device includes a memory, the memory storing class of service information, the controller being operable to retrieve the class of service information from the memory.

220. (New) The CDMA user device of claim 208, wherein the CDMA user device includes a memory, the memory storing maximum data rate information associated with the CDMA user device, the controller being operable to retrieve the maximum data rate information from the memory.

221. (New) The CDMA user device of claim 208, wherein the controller is operable to assemble and buffer packet data for transmission over the data traffic channel.

222. (New) The CDMA user device of claim 208, wherein the controller is operable to decide to request the data traffic channel further based on a priority of service of the packet data.

223. (New) The CDMA user device of claim 208, wherein the controller is operable to decide to request the data traffic channel further based on an estimated data rate desired to transmit the packet data.

224. (New) The CDMA user device of claim 208, wherein the controller requests the data traffic channel independent of an existing forward channel allocation.

225. (New) A CDMA user device according to claim 208, wherein the data traffic channel and the control channel operate within a 1.25 MHz bandwidth.

226. (New) A code division multiple access (CDMA) user device comprising:

a CDMA transceiver; and

a controller operable with the CDMA transceiver such that the CDMA transceiver is operable to transmit packet data over a reverse data traffic channel and receive data over at least one forward traffic channel during a packet data communication session between the user device and a network, the packet data communication session including a first time period during which first packet data is transmitted or received by the user device, a second time period after the first time period during which the forward and reverse data traffic channels are released, and a third time period after the second time period during which second packet data is transmitted or received by the user device,

wherein each of the forward and reverse traffic channels is associated with a corresponding CDMA code,

wherein the controller is further operable with the CDMA transceiver to facilitate use by the CDMA transceiver of a control channel associated with the packet data communication session, the control channel carrying information indicative of a data rate associated with the reverse data traffic channel, wherein the control channel is not adapted to carry voice or data traffic, and

wherein the controller is also operable with the CDMA transceiver to establish the packet data communication session with the network in accordance with a protocol architecture, the protocol architecture having a plurality of protocol layers including a physical layer, such that a state of at least one of the plurality of protocol layers other than the physical layer is maintained during the second time period.

227. (New) The CDMA user device of claim 226, wherein the second period

of time includes a predetermined period of time of packet data inactivity between the user device and the base station in the network over the data traffic channel, wherein the forward and reverse data traffic channels are released upon expiration of the predetermined period of time.

228. (New) The CDMA user device of claim 226, wherein the user device is a portable device comprising an integrated unit having a modem, the CDMA transceiver and the controller.

229. (New) The CDMA user device of claim 228, wherein the portable device comprises terminal equipment.

230. (New) The CDMA user device of claim 226, wherein said one of the plurality of protocol layers includes an application layer.

231. (New) The CDMA user device of claim 226, wherein the user device is operable to run an internet application.

232. (New) The CDMA user device of claim 226, wherein the user device is operable to download a web page.

233. (New) The CDMA user device of claim 226, wherein the CDMA transceiver is operable by the controller to transmit first CDMA signals on a transmission frequency, the transmission frequency being selected by the controller from a plurality of transmission frequencies, the CDMA transceiver also being operable by the controller to receive second CDMA signals on a reception frequency,

the reception frequency being selected by the controller from a plurality of reception frequencies.

234. (New) The CDMA user device of claim 226, wherein the CDMA user device includes a memory, the memory storing class of service information, the controller being operable to retrieve the class of service information from the memory.

235. (New) The CDMA user device of claim 226, wherein the CDMA user device includes a memory, the memory storing maximum data rate information associated with the CDMA user device, the controller being operable to retrieve the maximum data rate information from the memory.

236. (New) The CDMA user device of claim 226, wherein the controller is operable to assemble and buffer packet data for transmission over the reverse data traffic channel.

237. (New) A CDMA user device according to claim 226, wherein the data traffic channel and the control channel operate within a 1.25 MHz bandwidth.

238. (New) A code division multiple access (CDMA) base station:

a CDMA transceiver; and

a controller operably connected to the CDMA transceiver to establish a packet data communication session with a CDMA user device in accordance with a protocol architecture, the protocol architecture having a plurality of protocol layers including a physical layer,

wherein the controller is further operable with the CDMA transceiver to facilitate use by the CDMA transceiver of a data traffic channel and a control channel output by the user device and associated with the packet data communication session,

the control channel carrying information indicative of a data rate associated with the data traffic channel, wherein the control channel is not adapted to carry voice or data traffic,

wherein a state of one of the plurality of protocol layers above the physical layer is maintained during the packet data communication session after the data traffic channel has been released, and

wherein the controller is further operable with the CDMA transceiver to allocate the data traffic channel in response to a request received from the user device.

239. (New) A CDMA base station according to claim 238, wherein the data traffic channel and the control channel operate within a 1.25 MHz bandwidth.

240. (New) A code division multiple access (CDMA) base station comprising:

a CDMA transceiver; and

a controller operable with the CDMA transceiver such that the CDMA transceiver is operable to receive packet data over a reverse data traffic channel and transmit data over at least one forward traffic channel during a packet data communication session between a user device and a network including the CDMA base station, the packet data communication session including a first time period during which first packet data is transmitted or received by the user device, a second time period after the first time period during which the forward and reverse

data traffic channels are released, and a third time period after the second time period during which second packet data is transmitted or received by the user device,

wherein each of the forward and reverse traffic channels is associated with a corresponding CDMA code,

wherein the controller is further operable with the CDMA transceiver to facilitate reception by the CDMA transceiver of a control channel output by the user device and associated with the packet data communication session, the control channel carrying information indicative of a data rate associated with the reverse data traffic channel, wherein the control channel is not adapted to carry voice or data traffic,

wherein the controller is operably connected to the CDMA transceiver to establish the packet data communication session with the network in accordance with a protocol architecture, the protocol architecture having a plurality of protocol layers including a physical layer, such that a state of at least one of the plurality of protocol layers other than the physical layer is maintained during the second time period, and

wherein the controller is further operable with the CDMA transceiver to allocate the reverse data traffic channel in response to a request received from the user device.

241. (New) A CDMA base station according to claim 240, wherein the data traffic channel and the control channel operate within a 1.25 MHz bandwidth.